



CITY COUNCIL AGENDA REPORT

MEETING DATE: April 21, 2009

ITEM NUMBER: VIII-2(a)

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA REGARDING THE TIMING OF ADJUSTMENTS TO CITY COUNCIL COMPENSATION

DATE: MARCH 13, 2009

FROM: ALLAN R. MANSOOR, MAYOR

PRESENTATION BY: ALLAN L. ROEDER, CITY MANAGER

FOR FURTHER INFORMATION CONTACT: STEVE MANDOKI, ADMINISTRATIVE SERVICES DIRECTOR AT (714) 754-5069

RECOMMENDATION:

That the City Council consider a proposed Ordinance adjusting the City Council Compensation by a reduction amount to be determined by the City Council and to give the introduction and first reading of the Ordinance.

BACKGROUND:

Staff was requested by Mayor Allan Mansoor to prepare the necessary documents for City Council consideration of an adjustment to its compensation. An ordinance adjusting City Council compensation is attached for the first reading. If approved at this meeting, the second reading and adoption would be scheduled for the City Council meeting of April 21, 2009.

The City Council last reduced its salary in 1992 due to the impacts of the State budget on local government and economic conditions at the time. A copy of the minutes from the June 15, 1992 deliberations on this matter is attached. Also attached is a copy of Ordinance 92-27 implementing the City Council's action at the time.

ANALYSIS:

Proposed Ordinance 09-xx would allow for a decrease in the salaries of the City Council that would not go into effect until the new Council terms begin after the next general election in 2010. The current monthly salary is \$952.00 per month. The Fiscal Review section of this report addresses a range of percentage adjustments the City Council may consider along with the corresponding dollar value.

As noted above, the City Council may not institute an "immediately effective" salary reduction by law. Compensation adjustments - whether increases or decreases - can only be made effective following the next general election. Whether or not the City Council chooses to take action to reduce its salary, there may be an interest in seeking action at

the State level to change the current Government Code language to allow for salary reductions to be made effective upon adoption.

ALTERNATIVES CONSIDERED:

The alternative would be to not give the first reading to Ordinance 09-xx Adjusting Salaries of the City Council Members.

FISCAL REVIEW:

The adjustment could be at any percentage that the City Council would agree upon. Various percentage amounts are as follows:

1% = a reduction of \$9.07 per month to \$942.48

5% = a reduction of \$47.60 per to month to \$904.40

7.5% - a reduction of \$71.40 per month to \$880.60

10% = a reduction of \$95.20 per month to \$856.80

If approved, the City Council salaries would go into effect when the new Council terms begin after the next general election in 2010.

LEGAL REVIEW:

The City Attorney's Office has reviewed the attached documents and, where appropriate, approved them as to form.

CONCLUSION:

If given the first reading, the proposed ordinance 09-xx decreasing salaries of the City Council that would go into effect when the new Council terms begin after the next general election in 2010. The actual adjustment would depend upon the amount agreed upon by the City Council.

Allan L. Roeder
City Manager

Steve Mandoki
Administrative Services Director

DISTRIBUTION: City Manager
City Attorney
Department Directors
Deputy City Clerk

ATTACHMENTS: 1 Ordinance No. 09-
2 Ordinance No. 92-27
3 Excerpt from 6/15/92 and 12/21/92
Council Minutes

ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECREASING SALARIES OF CITY COUNCIL MEMBERS

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

The City Council of the City of Costa Mesa, California, does hereby declare:

WHEREAS, the amount and manner of setting the salary for members of the City Council are regulated by State law; and

WHEREAS, State law allows the Council to increase or decrease its salary; and

WHEREAS, the City Council desires to decrease the Council salary to be effective upon the time a new Council Member assumes office.

NOW THEREFORE, the City Council of the City of Costa Mesa ordains as follows:

Section 1. Section 2-21 of Title 2, Chapter II, of the Costa Mesa Municipal Code is hereby revised to read as follows:

"Sec. 2-21. Salaries.

Each member of the Council shall be paid a salary of \$xxx per month for serving on the Council."

Section 2. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a

summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this 21st day of April, 2009.

Mayor

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the
City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 09-__ was introduced and considered section by section at a regular meeting of said City Council held on the 17TH day of March, 2009, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the 21st day of April, 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 22nd day of April, 2009.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

ORDINANCE NO. 92-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 2-21 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO SALARIES OF CITY COUNCIL.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 2-21 of the Costa Mesa Municipal Code is hereby amended to read as follows:

"Sec. 2-21 Salaries.

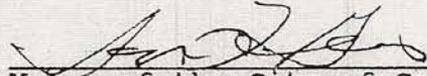
Each member of council shall be paid a salary of six hundred ninety dollars (\$690.00) per month, for serving on the council, unless such salary is reduced by resolution of City Council.

Section 2. Publication.

This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its passage and, before the expiration of fifteen (15) days after its passage, shall be published once in the NEWPORT BEACH-COSTA MESA PILOT, a newspaper of general circulation printed and published in the City of Costa Mesa, or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and

shall post in the office of the City Clerk a certified copy of this Ordinance together with the names of the members of the City Council voting for and against the same.

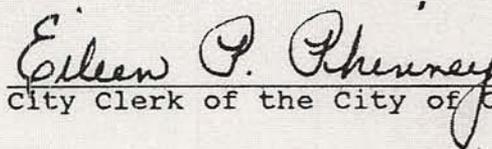
PASSED AND ADOPTED this 21st day of December, 1992.



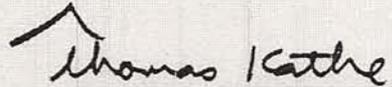
Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:



City Clerk of the City of Costa Mesa



City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, EILEEN P. PHINNEY, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 92-27 was introduced and considered section by section at a regular meeting of said City Council held on the 7th day of December, 1992, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the 21st day of December, 1992, by the following roll call vote:

AYES: COUNCIL MEMBERS: *Genis, Humphrey, Hornbuckle,*
NOES: COUNCIL MEMBERS: *none* *Buffa, Erickson*
ABSENT: COUNCIL MEMBERS: *none*

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 22nd day of December 1992.

Eileen P. Phinney

City Clerk and ex-officio clerk of
the City Council of the City of
Costa Mesa

Reinstated including the day watch, to full level of service.

6/15/92

Substitute Motion
Died for Lack of a
Second

A substitute motion by Vice Mayor Genis to reinstate the helicopter program; however, not to proceed until such time as the State budgetary constraints are known, died for lack of a second.

The original motion carried 5-0.

MOTION
Maintaining Police
Manhours Approved

A motion was made by Council Member Erickson, seconded by Council Member Humphrey, and carried 5-0, to approve maintaining the number of manhours of sworn Police officers on patrol at any one time in the City, specifically using overtime or civilianization of nonpatrol people to maintain the same if not higher level of patrol sworn officers on the street.

MOTION
Report on Commit-
tees Authorized

On motion by Council Member Erickson, seconded by Council Member Buffa, and carried 5-0, the City Manager was directed to report on the recommendations from each committee, as ascertained by the Council representative, on the means to save money or if the committee itself is a viable committee; this report to be included with the return of the budget discussion.

MOTION
Food and Conference
Budget for Commit-
tees Eliminated

On motion by Vice Mayor Genis, seconded by Council Member Humphrey, elimination of food and conference budgets for committees was approved. Council Member Buffa opposed the motion on the grounds that the meals were not that expensive, and the citizens volunteer their time. The motion carried 4-1, Council Member Buffa voting no.

MOTION
25 Percent Salary
Cut Approved

A motion was made by Council Member Erickson, seconded by Council Member Buffa, to reduce the salaries of the Transportation Commission, Planning Commission, and Council by 25 percent.

Substitute Motion
Died for Lack of a
Second

A substitute motion made by Vice Mayor Genis to reduce Council salaries by 25 percent, and reduce the salaries of the Transportation and Planning Commissions so they do not exceed the highest in the County by more than ten percent, died for lack of a second. Vice Mayor Genis stated she would abstain from voting on the original motion because she supports the 25 percent reduction in the City Council salary, and she supports the reduction in the Transportation and Planning Commission's salaries; however, she does not support maintaining the Transportation and Planning Commission's salaries at 25 percent more than any other city in the County, including those that have nearly 300,000 people and many more complex issues.

The original motion carried 4-0, Vice Mayor Genis abstaining.

12/21/92

commented that the General Plan provides for commercial uses in the residential area if the project does not generate additional traffic. In this regard, she requested staff to explore not only the additional development that could be allowed on Cabrillo Street, thereby creating greater impacts on the residential development across the street, but also the possibility of leaving this in residential, and developing some other zone that would provide for the continued parking use or a use that would not generate any more traffic than a residential use at this site. Mayor Genis stated that based upon the General Plan, the City will have to adopt a zone that provides for that. The motion carried 5-0.

NEW BUSINESS
Appointment to
Vector Control
District

The City Clerk presented a request to appoint a representative to the Orange County Vector Control District. The City Manager referred to the Agenda Report dated December 1, 1992, outlining the options for the appointment.

MOTION
William Bandaruk
Re-appointed

On motion by Council Member Buffa, seconded by Vice Mayor Humphrey, and carried 5-0, William Bandaruk was re-appointed to the Vector Control District for a four-year term.

NEW BUSINESS
Trip Generation
Rates

The City Clerk presented a resolution adopting trip generation rates to be used for implementation of the 1990 General Plan. The Deputy City Manager/Development Services gave a brief review of the Agenda Report of November 24, 1992, stating that to implement the recently adopted 1990 General Plan, there is a need to adopt a series of consistent trip generation rates which are applied to every land use allowed in the City. He recommended adopting the proposed resolution which would adopt the 4th Edition of the Institute of Transportation Engineers (ITE) "Trip Generation Manual".

MOTION
Resolution 92-104
Adopted

On motion by Council Member Hornbuckle, seconded by Vice Mayor Humphrey, Resolution 92-104, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING TRIP GENERATION RATES TO BE USED FOR IMPLEMENTATION OF THE 1990 GENERAL PLAN, was adopted by the following roll call vote:

AYES: Genis, Humphrey, Hornbuckle,
Buffa, Erickson

NOES: None

ABSENT: None

NEW BUSINESS
Council Salaries

The City Clerk presented City Attorney's Report No. 92-80, and an ordinance amending Section 2-21 of the Costa Mesa Municipal Code pertaining to City Council salaries. The City Attorney reported that the ordinance reflects that the current statutory limit on City Council salaries can be reduced by resolution; and this ordinance will bring the Municipal Code into compliance with Council's earlier resolution reducing salaries from \$690.00 to \$520.00 per month.

MOTION
Ordinance 92-27
Given First Reading

On motion by Council Member Buffa, seconded Council Member Hornbuckle, Ordinance 92-27, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 2-21 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO SALARIES OF CITY COUNCIL, was given first reading and passed to second reading by the following roll call vote:

AYES: Genis, Humphrey, Hornbuckle,
Buffa, Erickson
NOES: None
ABSENT: None

NEW BUSINESS
Handicap Access

The City Clerk presented City Attorney's Report No. 92-82 and a proposed ordinance adding Chapter VII to Title 5 of the Costa Mesa Municipal Code pertaining to handicap access. The City Attorney reported that the ordinance expresses City Council's intent to comply with the California handicap access requirements. He noted that he had included Federal requirements also; however, upon further research, it was his opinion that adding language concerning Federal handicap access requirements is excessive in that the City does not have to enforce those provisions. In view of this information, the City Attorney recommended deleting the words "and Federal" from the last line of Subsection 1(a) and from the next to last line in Subsection 1(b).

MOTION
Ordinance 92-28
Given First Reading

On motion by Vice Mayor Humphrey, second by Council Member Hornbuckle, Ordinance 92-28, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER VII TO TITLE 5 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO HANDICAP ACCESS, with deletion of the words "and Federal" in Subsections 1(a) and 1(b), was given first reading and passed to second reading by the following roll call vote:

AYES: Genis, Humphrey, Hornbuckle,
Buffa, Erickson
NOES: None
ABSENT: None

NEW BUSINESS
Skateboarding and
Roller-skating

The City Clerk presented an ordinance adding Section 12-54 to the Costa Mesa Municipal Code prohibiting skateboarding and roller-skating on City property. The City Attorney reported that the ordinance was prepared at the request of the Community Services Department to prohibit these activities in certain areas of public property where there are grades in excess of six percent, and locations deemed to be hazardous. He also advised that the prohibited areas would be posted. After discussion on possible